

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

NEW YORK STATE FIREARMS ASSOCIATION,

et al.,

Civil Action No. 23-CV-6524-FPG

Plaintiffs,

v.

STEVEN A. NIGRELLI, in his official capacity as
Acting Superintendent of the New York State Police,

WITNESS AND EXHIBITS TO
BE PRESENTED AT HEARING
FOR PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION

Defendant.

_____ /

Pursuant to Local Rule 65(a)(4), Plaintiffs may present at the hearing for their Motion for Temporary Restraining Order and Preliminary Injunction the following witnesses and exhibits. These lists are subject to counsel having the opportunity to review Defendant's opposition(s), if any, to the motion and to communicate with the witnesses to work out logistics with the Court's date for the hearing.

Subject to the foregoing, Plaintiffs identify themselves as potential witnesses regarding the burdening of their Second Amendment rights through the Defendant's background checks and associated fees for ammunition purchases. Plaintiff Aaron Dorr will testify as to the malfunctioning nature of the Defendant's background check system via the statewide license and record database. Plaintiffs also identify as potential witnesses other individuals who may become relevant based on the opposition, if any, filed by Defendant. At this time, Plaintiffs are not aware of any factual issues, but should factual issues arise, Plaintiffs reserve the right to call witness(es), including expert witness(es), as needed.

For exhibits, Plaintiffs identify the documents referenced in their motion papers, as well as other documents that may become relevant based on the opposition, if any, filed by the Defendant.

Dated: September 15, 2023

Respectfully submitted,

Stephen R. Klein*
BARR & KLEIN PLLC
1629 K St. N.W. Ste. 300
Washington, DC 20006
(202) 804-6676
steve@barrklein.com

Benjamin Barr*
BARR & KLEIN PLLC
444 N. Michigan Avenue, Ste. 1200
Chicago, IL 60611
(202) 595-4671
ben@barrklein.com

/s/ Ginger D. Schröder
Ginger D. Schröder
Schröder, Joseph & Associates, LLP
394 Franklin Street, Second Floor
Buffalo, New York 14202
(716) 863-4000
gschroder@sjalegal.com

* *Pro hac vice* application pending.

*Attorneys for George Borrello, David DiPietro, William Ortman, Aaron Dorr
and the New York State Firearms Association*